

MAR 15 2018

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Clerk of Court

United States of America)

v.)

Case No. M-18-0542-M

PENA, John Anthony YOB: 1983)
United States Citizen)
)
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 3/13/2018 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 841 (a)(1)

Knowingly and intentionally possess,
with intent to distribute approximately
240.5 kilograms of marijuana, a Schedule
I Controlled Substance under the
Controlled Substance Act.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.approved by
1087 [Signature]

[Signature]

Complainant's signature

Leonel E. Reyna, Special Agent, DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 3/14/2018City and state: McAllen, Texas

[Signature]

Judge's signature

J. SCOTT HACKER, U.S. Magistrate Judge

Printed name and title

Attachment A

On March 13, 2018, at approximately 10:20pm, Border Patrol Agent (BPA) Aaron Williams, was advised by BPA Michael Jones, Aerostat operator, of a vehicle driving towards the Rio Grande river bank on the Mexican side with its lights off near an area known as "Tamarindo Landing" in Starr County. BPA Jones observed several subjects unloading possible bundles of narcotics and taking them to the river bank where they were subsequently loaded onto an awaiting raft.

At approximately 10:33pm, BPA Jones observed a vehicle heading towards the river bank on the U.S. side near the area where the raft with the possible bundles made landfall. At approximately 10:38pm, BPA Jones advised that the vehicle was travelling north away from the river at a high rate of speed and maintained visual of the vehicle as it turned north onto Garceno Loop. A few moments later Omaha (a helicopter equipped with a night and day camera), pilots advised that they also had visual of the vehicle. Shortly after, Omaha pilots advised that the vehicle had stopped at 122 Garceno Loop, Garceno, Texas and that the driver had exited the vehicle and fled on foot. BPA Williams approached the vehicle (red, Nissan, Rogue), and observed bundles of narcotics in the vehicle.

Texas Department of Public Safety Trooper (DPS) Trooper Kal Khalifa followed the driver of the vehicle on foot with guidance from Omaha pilots and was able to apprehend the driver who was identified as John Anthony PENA. PENA, the vehicle, and 42 bundles of marijuana weighting approximately 240.5 kilograms were then transported to Rio Grande City Border Patrol station for processing.

On March 14, 2018, at approximately 12:40am, DEA Special Agents (SA) Erik Lambel and Leonel E. Reyna responded to the USBP Rio Grande City Station and were apprised of the details regarding this case. SA Reyna read PENA his Miranda Rights in his preferred language of English, as witnessed by SA Lambel. PENA stated he understood his rights and was willing to provide a statement. PENA stated a male subject, had asked him if he wanted to make some money by driving a vehicle from the Rio Grande River Bank to an undetermined location. PENA stated he not ask how much he was going to get paid nor what the vehicle contained but assumed it was either going to be drugs or illegal aliens. PENA stated he agreed because he needed the money. PENA stated at approximately 6:00pm, another male subject drove him to the Rio Grande River bank where he observed a red, Nissan, Rogue parked on the side of a dirt road. PENA stated he was instructed the keys were in the ignition and to drive the vehicle north from the Rio Grande River and wait for further instructions. PENA stated as he entered the vehicle he observed the interior of the vehicle loaded with bundles of marijuana. PENA stated as soon as he started to drive the vehicle he observed a marked Border Patrol Unit and decided to flee but was later apprehended.